

Direct Democracy: country-report on Estonia

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1. Introduction

The referendum can be described as the most important instrument for direct democracy since the democratic sovereign is able to decide on a substantive question directly bypassing representative institutions such as parliament, cabinet, parties and interest groups. All forms of referendums increase citizen participation and influence in political decision making. The crucial question is therefore why and under whose control this is done. In this sense, the popular initiative most clearly works to increase people's participation in politics.

The popular initiative also represents more classical interpretations of democracy because, at least theoretically, it enhances citizens' political equality by giving them the right to raise issues on the political agenda.

Estonia has been economically and politically one of the most successful post-socialist states. Although the movement toward independence was purposeful, the solution came thanks to a great historical opportunity- the Moscow putch in August 1991. Although the independence of the Baltic states shook the stability in the region, it enabled those states to take a course toward democracy and market economy and lay basis to new democracy.

The transitional period in Estonia consisted of two stages: stage one (1987 to 20 August 1991) was the time of striving for independence, predominance of popular movements and the beginning of formation of political parties.;

stage two (August 1991 to 31 August 1994) was the beginning of the consolidation of independence and the formation of the system of political parties.

Conflicts with the Soviet Union later with Russia occurred during the period of transition and gaining independence. Each step, taken in Estonia toward independence and democracy raised conflict between Estonia and Russia also in the future, especially if the centuries long controversies and competition between the east and the west continue and Russia does not give up its desire to be an empire.

2. Subject matters of popular vote.

According to the way referendums are initiated, they may be classified as either mandatory (obligatory) or non-mandatory (optional). Mandatory referendums are constitutionally required upon certain issues. (Maija Setälä "Referendums and democratic government", 1999, Basingstoke, p.71)

If the result of a referendum is not respected the status of the referendum is nothing more than of an official opinion poll.

Referendums are used for legitimation ,especially when the issue is very important in terms of existing political order , or when the issue is very contentious and a decision is needed which will remove the issue from the political agenda. Decisions on such issues as constitutional changes, territorial changes and transfers of national powers to supranational organisations are often considered to need legitimization by the popular majority, even if a referendum would not be constitutionally required. For example ,East ,and Central European countries held referendums during their transition to democracy and West- European countries at different stages of European integration.

Comparative analysis of the referendum phenomenon must take account of differences in the rules concerning the interplay between representative government and referendum. Sometimes it's difficult to distinguish and classify the issues and issue –areas that must or may be the object of referendum votes : general revisions of the constitution , specific changes to the constitution, international treaties , different kind of laws ,etc. The referendum classification distinguishes between binding and advisory votes. A vote is binding where its outcome must be accepted and adopted by parliament and government (if such bodies are required to take specific action in response to the referendum outcome) or where the referendum vote is itself decisive act , it is advisory (or consultative) where its outcome has formally only indicative value, with the last word going to parliament or Government. Most European referendums votes are formally binding ones; in only a few cases they are advisory.(The Referendum Experience in Europe, edited by Michael Gallagher and Pier Vincenzo Uri , MacMillan Press, London, 1996. P.7)

The Estonian political system as it developed after the the restoration of independence is a traditional parliamentary type. There are regular elections to the parliament - the Riigikogu, the cabinets have all been dependent on the Riigikogu regardless of either they have been minority or majority governments. There are also provisions in the constitution as for the kind of direct democracy referendums constitute. In Estonian Constitution the referendum had been regarded as complementary although exceptional feature of the traditional decision making process. One could distinguish mandatory (obligatory)referendum and non – mandatory (optional) referendum. All citizens of Estonia have the right to elect the parliament (Riigikogu) and participate in referenda (article 56). The general provisions- (7 articles)- as well as amendments to the constitution has to be put obligatory to the Referendum . General provisions establish the legal basis of Estonia as a democratic independent state. Article 1.(Sovereignty) Estonia is an independent and sovereign democratic republic wherein the supreme power of the state is held by the people. Estonian independence and sovereignty is inalienable and inalienable.

Article 3 (Rule of law , international law).Government power shall be exercised solely on the basis of this constitution and such laws which are in accordance with the constitution, Universally recognized principles and norms of international law shall be inseparable part of the Estonian legal system. Laws shall be published in the prescribed manner : Only laws which have been published shall have obligatory force

Article 6. The official language of Estonia is Estonian.

Article 7 : The national colours are blue ,black and white. The dimensions of the national flag and the national coat of arms shall be determined by law.

Obligatory , as article 162 says ,chapter I (general provisions) and chapter XV (Amendments to the Costitution) may be amended only by referendum.

It does not say anything about the popular initiative.The right to initiate laws shall rest 1) with the members of the parliament.2) factions of the parliament, 3) parliamentary committees, 4) the government of the republic, 5) the President of the republic for amendments to the constitution. (article 103)

Article 161 : The right to initiate amendments to the consitution shall rest with at least one-fifth of the complement of the Parliament and with the president of the republic. Constitution may be amended by law which is adopted by 1) a referendum 2) two successive complements of the parliament. A draft law to amend the constitution shall be considered during three readings in the parliament whereby the interval between the first and the second reading shall be at least three monts, and the interval between the second and the third readings shall be at least one month. The manner in which constitution is amended shall be decided at the third reading. 3) the parliament , in matters of urgency (article 163 Proceedings.)

In order to put a proposed amendment of the constitution to referendum , the approval of a three fifths majority of the complement of the parliament shall be mandatory. The referendum shall not be held earlier than three months from the time that resolution is adopted in the parliament. (article 164, Majority of referendum).The law to amend the constitution shall be proclaimed by the President of the republic and it shall enter into force on the date determined by the same law, but not earlier than three months after its proclamation. (article 167). An amendment to the constitution dealing with the same issue may not be re-introduced within one year of the rejection of the respective draft by referendum or by the parliament.(article 168).

3. Other laws regulating direct democracy

Article 154 (Local government functions) 1. All local issues shall be resolved and regulated by local government which shall operate independently in accordance with the law. Obligations may be imposed upon local government in accordance with the law or in agreement with the local government. Expenditures related to tthe obligations imposed on the local government by law shall be covered from the national budget.

Article 156 (Representation). The representative body of local government shall be the council ,which shall be elected in free elctions for a term of three years. The elction shall be general ,uniform and direct . Voting shall be secret.

2) In the election of local governemt council ,all persons ,who have reached the age of eighteen years and who reside permannently on the territory of that local government unit shall have the right to vote, in accordance with the conditions determined by law. Non-citizens,who have lived permantly in Estonia at least five years ,have a right to vote in local elections,but they are not eligible to run as a candidates.

Article 158 allows the borders of local government units to be altered however, only taking into consideration the opinion of respective governments.

4. Techniques and procedures of popular vote

The referendum is regulated by a special law and according to this law it is up to the Riigikogu to decide whether a referendum will be held or not at all, and also decide about the timing of such a referendum as well as the questions to be posed. Article 104 (Procedures , Qualified majority) Procedures for the adoption of laws shall be determined by the law on the parliament By-laws. Techniques and procedures of popular votes are established by the law on referendum adopted on may 1994. The following laws will be adopted or amended only by a majority of the complement of the Parliament: law on citizenship, law on parliamentary elections, law on electing the president of the republic, referendum law ,etc. (article 104).

Article 105 states clearly :

1. The parliament shall have a right to put draft legislation or other national issues to a referendum.

Several draft legislation might be put to the referenda in one time. The questions to be put to popular vote should have clear content to be understandable for citizen. However , the State Court following the proposal of Chancellor of Justice has a right to block the law by declaring the bill unconstitutional. (Referendum Law ,article 20).

2. The decision of the people shall be determined by the majority of those participating in the referendum.

3. A law which has been adopted by the referendum shall be immediately proclaimed by the president of the republic.

4. Should the draft law which has been put to referendum not receive a majority of yes-votes, the president of the republic shall declare early elections for the parliament. (So far it never happened).

There are also some limitations on the range of issues that may be referred to the citizens .

Article 106 (Financial laws) of the Constitution states : 1. Issues related to the budget , taxes , the financial obligations of the state , the ratification of foreign treaties, and the enactment and ending of a state of emergency may not be put to referendum. 2. Procedures for referenda shall be determined by the referendum law. ([http:// www.uni-wuerzburg.de/law/enooooo_html](http://www.uni-wuerzburg.de/law/enooooo_html))

The time for arranging such popular votes is not earlier than 3 months and no later than six months after the parliamentary decision. (article 15 Referendum Law) Voting is performed by secret ballot. The proposal submitted to the referendum will be recorded on the ballot paper as well as the words "for" and "against". The central election commission as well as county and district commissions are responsible for practical arrangement of the popular vote . They count up the signatures , ascertain the results , inform the president of the republic and make official announcement about the outcome in the public.

5. Forms of government and referendums. Historical experiences

Referendum on independence 3 of march 1991.

Background

Soviet provocations against the Baltic has intensified in the beginning of 1991 , among the others the Soviet military has attacked and occupied the strategic positions in the other Baltic capitals , with the loss of several innocent lives. Estonia Lithuania , Latvia , Georgia , Armenia refused to take part in discussions on the new Union agreement , since they now declared they wanted full independence. Gorbachev attempted to apply pressure to these and other republics to sign a new Union treaty by holding a referendum on preserving the union. Talks with Moscow on independence has stopped .The parliaments of six republics adopted decisions preventing the holding referendum in their territories. This in itself was a demonstration of the ability of the republics to go against the will of Moscow. As an alternative to the Soviet Union referendum , the Baltic republic , Georgia and Armenia held referenda on independence in their respective republics.

Independence Referendum.

Two referendums were held during transitional period in Estonia. The first , the referendum on independence was held before Estonia regained independence - March 1991.The second, the referendum on draft constitution was held when Estonia was independent -june 1992.

The conditions of those referendums were entirely different .

The referendum on independence was held during an extremely critical and volatile period. People were already getting tired of politics and the time of mass rallies was drawing to an end. Yet there was no time to rest the oars. In january 1991 coups had been attempted in Riga and Vilnius and Estonia was expecting attacks (from the russian military, Omon,-Special Rapid Development forces and the communist party)

Estonians considered arranging referendum on independence extremely necessary and important on their way towards independence. It was telltale also for disloyal Russians living in Estonia. Their aim was not to allow Estonians to regain independence.

Estonian Supreme Council resolution on arranging a referendum on the restoration of the Estonian Independence approved on january 31 ,1991. Thus the Supreme Council supports the idea. (Popular Front candidates dominated in Supreme Council). The referendum demonstrated the opposition of pro-Estonia and pro empire forces especially clearly. As aspirations toward independence had been strengthening among Estonians a referendum became a topical issue.

The question put to the referendum was Do you want the restoration of the state sovereignty and independence of the Republic of Estonia? A yes voter was cast by 77,8 % and no vote by 21 ,4% of those answered the question. The percentage of no votes shows the importance of the devoted and active group of the pro.- Empire forces among grown up population of Estonia.

A yes vote to the question put to the referendum was cast by 65.8 % of the voters in Tallinn, 46,0 % in Kohtla Järve, 25,8 % in Narva ,85,6 % in Tartu and 85,7 % in Pärnu.

Yet there was unquestionable relationship between the result of voting and the ethnic origin. The higher the percentage of non-estonians , the more there were no votes. In the rural areas , where non-estonians make up 5-6 % of the population, an average 93,4% of yes votes were cast. In addition to the ethnic origin peoples political attitude undoubtedly affected by their age , social status, type of settlement where one lives. However, the ethnic origin seems to be the most important factor at that time. Actually the most important factor was the political orientation.

Non-Estonians were less active than the Estonians at all elections and referendums had during the transitional period . In the areas where Estonians predominate 90-100% of the body of electors went to the polls ,whereas in non- Estonian areas this percentage was 55-75 %. In Tallinn for example 91 % of the Estonian and 69% of the non-Estonians went to the polls. (Raitviir Tiina, Eesti Üleminekuperioodi valimiste võrdlev uurimine . Elections in Estonia during the transition period. A comparative study (1989-1993) Teaduste akadeemia kirjastus,p.349).

Russia reacted to Estonia's independence with economic sanctions, forbidding the export of oil and gas petrol cotton etc. to Estonia. However Russia was tied up with realignment (perestroika) at home. This enabled Estonia to act as if it were a politically and partly economically sovereign state.

The independence referendum forced the non-estonian population to take clear stand in their attitude toward Estonian independence. The majority took a negative stand and expressed it with strikes and rallies.

However ,the result showed that a part of the non-Estonian electorate voted for Estonian independence,nevertheless ,it was mainly a question of nationality. As in the elections to the Estonian Supreme Council,in 1990, the islands as well as most south western county were the most positive supporters of independence. Only in cities of Tallinn Narva , Kohtla Järve did more than 30 % of the electorate vote against independence in areas with a large Russian speaking population. (Raitviir,T. Ibid., p.349.)

In some areas of the north – east the non- estonians partially boycotted the elections. More no votes were cast in the areas where Russian troops were dislocated. It was quite natural since family members of the servicemen enjoyed the right to vote. The empire was supported by north –east non-Estonians towns , to a smaller extent by the capital.

The outcome was overwhelmingly for independence , despite of the fact the immigrant participation that has been widely discussed before the elections , made the result much more unassailable. According to the Supreme Council resolution the referendum result was taken as the basis for the activities of the Estonian state administration during the period of transition.

Similar referendums took place also in Latvia and Lithuania. The votes for independence were 90,5percent in Lithuania ,77.8 percent in Estonia and 73.7 percent in Latvia. Summing up it should be said that the proportion of yes and no votes at the independence referendum, showed more clearly the impact of ethnic origin plus world outlook on the results of the referendum than the voter turnout.

The Baltic independence referendums undermined Gorbachev's claim that a union is still viable, and they legitimated the Baltic quest for independence. (look also Henry Brady and Cynthia Kaplan" Eastern Europe and the Former Soviet Union in the book referendums around the world the growing use of direct democracy edited by D. Butler and A. Ranney. The AIE press , 1994 p. 194)

After Estonia regained independence

In a transitional period three major decisions must be faced: what nation –state is this ? What form of government shall it have ? What policies shall it follow?

The thirty three referendums in Eastern Europe and the former Soviet Union since 1987 can be readily placed into three categories. Twelve of these referendums were concerned with sovereignty or independence ,nine with constitutions or the form of governance and twelve with policy issues including confidence of leaders , the economic system and the disposition of armies and militia. (Henry Brady and Cynthia Kaplan. 1994. P. 180)

After Estonia regained independence ,elections and referendums had a different body of electors . Only Estonian citizens could take part in the 1992 referendum on the draft Constitution and parliamentary elections.The principle was based on the restoration of the republic of Estonia on the basis of legal succession and the 1940 citizenship(either direct citizens or their successors.) .Naturally Soviet servicemen dislocated in Estonia had no right to vote. If the Republic of Estonia had been established as a new state that had seceded from the Soviet Union with the citizenship formed under the Soviet regime, all those categories of people would have had the right to participate in the elections and referendums. However ,if the road of statehood had been chosen Estonian independence would have been in real trouble as the proportion of supporters of the Soviet Empire among the population as well as politicians would have been too high. The fact that the Russian community did not understand the essence of the restoration of Estonian statehood and refused to accept it has hurled and is still hurling accusations that Estonia violates the human rights of the Russians. Specially , the rightist nationalistic forces in particular Estonian National Independent party(ENIP) were afraid that if the supporters of the empire were given the right to make decisions concerning Estonian independence(a democratic way , by giving everybody living in Estonia the right to vote), Estonia would soon again be part of the Russian empire.

Referendum on draft constitution.

A constitutional assembly ,composed of members of the Estonian Congress and the Estonian Supreme Council prepared and came up with a draft constitution. During the spring of 1992 , the main issues of debate in the Supreme Council were the constitution and the power of the presidency,as well as citizenship laws. In april it was decided that the draft constitution was to be put to a public referendum. The question whether people who had applied for citizenship should be allowed to vote in the coming parliamentary elections was

also to be decided by the electorate. In essence it was discussed whether a new constitution would mean the creation of a new state whereby it would be difficult to regard the present Republic of Estonia as the legal successor of the Estonian Republic of 1918.-1940. Some groupings more nationalistically oriented – Estonian National Independence Party,

Conservatives and Liberals argued that the 1938 constitution should be re-established.

The main question of disagreement concerning the referendum though, was who should have the right to vote. More moderate politicians – Centre party, Estonian Democratic Labour Party wanted all the residents of Estonia to be included and the more national – minded wanted only Estonian nationals to participate. The assembly purpose was to reinstate the republic as soon as possible and found that the restoration of the republic of Estonia was a matter which concerned mostly Estonians.

The formulation of the main additional questions put to the referendum on the draft constitution were as follows:

The main question, are you for the draft constitution of the republic of Estonia and for the draft law on the application of the Constitution? Answer yes or no.

The additional question: are you for allowing applicants for Estonian citizenship who have applied before 5 June 1992 to take part in the first parliamentary and presidential elections after the constitution becomes effective? Answer "Yes or No".

As we have seen before the referendum on independence, there occurred a clear-cut conflict between the supporters of independence and the supporters of the empire, and nearly every person knew how to answer.

However the situation was much more complicated with regard to the Constitution. First, a serious conflict with the Russian community was faced as they could not agree that they were ousted from politics (i.e. voting) also there were conflicts between two groups of independence supporters. The more radical and left-centrist group advised that the constitution should be accepted and yes vote cast also to the additional question. The right-centrist political forces – liberals, monarchists had differences among themselves. The most radical politicians thought that the 1938 pre-war Constitution should be put into effect. As to the additional question, the right-centrists were against it, the majority of centrists and left-centrist did not voice any opinion, and communists, part of the left-centrists and those supporting the restitution were for expanding the circle of electors. In general, the prevailing standpoint was that only Estonian citizens should have the right to make decisions concerning the Estonian state. Immigrants – non-citizens should stay aside. Moreover, the majority of non-citizens had voted against independence at the referendum on independence.

The new draft constitution was approved by 91,3% of those who went to the polls.

The share of yes votes to the additional question was 46.1% and that of no votes 53,0 %.

This result reflects the attitudes of people then prevailing. The left-centrists had advised to vote yes while the right-centrists had advised to vote no. It seems that people understood the additional question in a simplified way or misunderstood it. It was interpreted as a question of giving non-Estonians citizenship or even as an ethnic problem.

The same mistake was made by the west and even more dramatically . In their approach the actual meaning of the additonal question was utterly lost and no attention was paid to the main question.

Putting this question to vote and then agitating people to vote against was only a source of domestic quarrel but aroused also great problems in Estonian foreign policy. The fact that the expansion of the circle of electors did not find support caused a conflict between Estonia and the West. It was a short lived conflict that was on forgotten: However at that time it was a serious issue. The desicion was interpreted as dicrimination against russians residing in Estonia and violation their human rights. Actually , the number of applicants to the citizenship was very small : 5.017 persons , moreover, according to different sources 50-90 % of them were Estonian.

The referendum had direct foreign political implications. The Council of Europe had decided that democratic a parliamentary elections had to be accompished before October 1992 for Estonia to get full membership in the Council. This demanded a new constituion. The 1992 Constitution gave the restored republic a solid democratic base.

6. Voter turnout

All the decisions taken by the Riigikogu on the matters are determined by straight –forward majority rules.

Agreement of the appropriate role of the referendum has not yet reached in the Estonia ,nor there is any clear patterns of electoral behaviour in this context. However , the situation might be changed if one takes into account the growing alienation of Estonian voters from political parties , in other words the demand for referendums may be seen as a reaction to the the alienation of the public from the traditional political parties ,because referendums offer the increasing number of citizens outside party organisations and without strong party identification an opportunity to participate in decision-making without the mediation of the political parties. Secondly, referendums may be seen as legitimizing devices in situations in which party –based decision making suffers from the lack of legitimacy, which may be due to the alienation from the parties, or the parties instability to represent certain issue dimensions.

In Estonia voter turnout was affected by the political situation, whether the referendums and elections were held before or after the rebirth of independence, by people,s psychological state , by voter composition, etc. rather than the level of elections as is usually the case elsewhere.

The rebirth of independence was decisive importance in voter turnout. Voter turnout increased until independence was regained , achieving its peak at the independence referendum. Afterwards it started to decline and the lowest voter turnout occurred at local elections in october 1999. It seems that people thought there were no need for further efforts as the main aim independence had been achieved. People became tired of politics and could not deal with its proffessionalization. By late 1991, soon after restoration of independence , the hardships of everydy life and overall corruption prompted a crisis of confidence in the parlaiemnt and government , the new leaders who took office in autumn 1992 have become targets of even more scatching critiscism because of their "shock-therapy" policy in economy. Indeed , two- thirds of those

eligible voted in the elections but soon became disillusioned with the new power ,s handling of economy. Instead of improvement ,everyday life grew even harder. There was a great deal of dissension in the parliament , whose full meaning and causes were beyond even the experts grasp. Today ,an increasing number of people reject any illusions about the democratically elected representation, and the number of those ready to participate in protest marches and street democracy is growing.

Voter composition was also very imortant: the referendum on the draft Constition in 1992 as well as presidential and a parliamentary elections (sept 1992) were no longer battleground of pro-independence and (estonians and pro Empire (Russian) forces. The former had no need for mass turnout. Estonia had the lowest voter turnout with its Easternmost areas,i.e those with prevailingly Russian population ,being the least active .To some extent the same trends wee observed at the referendum on the draft constitution, voter turnout in Eastern areas being lower than in western areas.(Raitviir Ibid.,p.344.)

Voter turnout in major towns and counties

Elections to the Estonian Congress 65,6 73.5

Elections to the Estonian Supreme Council 74.8 81.5

Referendum on Independence 77.6 90.1

Referendum on the Draft Constitution 66.5 67.0

Until the independence referendum rural inhabitants were more active voters than people from major towns.The referendum on the draft Constitution brought about an equilibrium. Voter turnout in all administrative units became similar. Referendum results showed that Estonian countryside is not a backward area that need political education.

7. Plebiscites and referendums. Ethnic issues

Apart from the employment of this intrument by government aiming to resolve an issue of nationwide significance , local groups may use a regionally or locally organised referendums to challenge the centre authority, or to put pressure on the government for particular concessions. If we understand plebiscite as a type of vote , where population of region or , town community take part , then Estonian legislative power does not establish the possiblity for local initiatives . Central governments frequently move to have these local referendums declared illegal as it also happend in Estonia so as to ignore their demands . As we have seen a controversial aspect of the legal arrangement in Estonia concerns the question of the status of the immigrants , who settled during the Soviet occupation. In february 1992 the citizenship law of 1938 with some amendments was reenacted by the Riigikogu, proceeding from the idea of legal continuity with the earlier republic. According to the law only residents who were citizens before Soviet occupation and their descendants were identified as citizens. The law required two years permanent residence before a person is entitled to apply citizenship and further one year waiting period before an appliacant can be naturalized. In

addition ,it requires some knowledge of the Estonian language. The most controversial element of the law was that it applied not only to potential immigrants but also to those who have been born and long resided in Estonia.

Such an approach to the citizenship issue was opposed by the majority of the non-Estonian population. Their argument was that as persons who immigrated to Estonia in Soviet period could not foresee that their legal status could change so fundamentally, a more just solution to the citizenship issue would be the adoption of the so called zero option, that is all those who have resided in Estonia when it declared its independence should automatically qualify for Estonian citizenship.(Raivo Vetik "Ethnic conflict and accommodation in post-communist Estonia," Journal of Peace Research,vol 30,no 3 august 1993,p.271-280).Zero option was supported only by centre party.

The most dangerous political crisis in respect of these issues occurred in summer 1993 when a law on aliens was being considered by the Riigikogu. The law was urgent in the matter of determining the legal status of non -citizens in Estonia. ,in which category about 80 per cent of Estonia,s Russian population belonged. Several,of its articles met strong criticism from both Russian leaders and legal experts and several European organisations. The high commissioner of the CSCE Max van der Stoep pointed out the the law did not specify clearly the issue of residence and working permits for non-citizens who had come to Estonia before 1991.

After further consultations Estonian president rejected the law, and a new version with considerable amendments was adopted in Riigikogu.

The reaction of non -citizens to the new social and political situation in which they found themselves was twofold. The first reaction was exemplified by their activities in opposing the initial version of the law on aliens as well as some other laws of Estonia which they regarded as discriminatory (language Law, law on schools, etc). as a protest action . Narva and Sillamäe City councils held a referendum on autonomy status of the cities in July 1993,where correspondingly 93 %,and 92% of those living in Narva and Sillamäe voted for autonomy .However the Riigikogu declared these decisions to be unconstitutional.

The local referendums did not have serious consequences,but indicated a potential threat to Estonia if the authorities could not find the way of resolving the ethnic issue.

A second type of reaction can be seen in the formation of new political organisations- Representative Assembly of the Russian-speaking population of Estonia, whose compared to Intermovement (which was dismantled in August 1991 because of its support for the military coup in Moscow) this organisation took a constructive approach restricting its activities to constitutional means and in fact not opposing to legal continuity of pre- war Estonian republic.

Tolerance towards other people and social grouping ,which in the post-war period has been accepted by the west, has not become fully acknowledged in Estonia, to say nothing of accepting the principle in everyday conduct. The media has managed to make a large part of the population understand that it is natural for people to hold different views , that everybody does not have to think in the same way. After the 1992 elections , in which only descendants of citizens who lived in Estonia before the 1940 occupation could vote, more Estonians became increasingly tolerant towards other nationalities.

8. Opinion of electors

The questionnaire carried out after the referendum on draft constitution showed that even those electors who were deeply interested in politics had become in comprehensible (47%), the platforms of political parties were so similar that one could not choose between them (59%), the majority of politicians were corrupt (43%) and new persons were needed in politics (88%)

According to the polls arranged after the elections to the parliament, 62% of the electors preferred electing individuals and not political parties, only 15 preferred electing parties. Quite a large portion of the electors (25%), especially young and old ones, had elected individuals not knowing to which electoral coalition or political party they belonged. (Raitviir, *ibid* p.357).

In January 1990, 90 per cent of the population was interested in politics but by October 1993 this figure has already dropped to 43 per cent. By November 1996 the figure did not climb above 62 per cent at any stage. There is wide spread pessimism about political parties, it is so clear that allows David Arter in his book on "Parties and Democracy in the Post-Soviet Republics: the Case of Estonia" to call the country as an anti-party system, (Arter 1996 p.252)

According to Arter (1996, p. 263-4) in the period of 1992-1995 only 20 per cent of Estonians considered themselves supporters of a specific political party. The survey evidence that Arter refers also shows that in 1994 as many as 67 per cent of the voters would have their electoral choices on individual rather than on party grounds. The situation had not yet changed. For example in Baltic Barometer survey III of 1996, only one percent of the population felt complete trust and 15 per cent general trust in political parties. With this in mind, it is not surprising that the parties are still very small and could also claim underdeveloped. The Centre party, led by one of the heroes of the independence struggle, Edgar Savisaar, is the largest party in Estonia in terms of membership, but even it has only about 3,100 members, there are six other parties with more than one thousand members. (Postimees, March 3, 1999. Mikko Laagerspetz and Henri Vogt "Estonia", in the Handbook of Political Change in Eastern Europe, 1997 p.3-4) Thus, party politics has been low in transitional period. Why?

1) Party system was undeveloped in 1989-1992. Parties were relatively quickly changing their political orientations and were busy of finding their own identity.

2) Depending on the prevailing political situation the right-left scale had a different content during referendums.

3) The main differentiator during the transitional period was support to independence or the empire rather than right or left ideals.

4) The conflict between the left and right ideals (Estonian National Independence party (ENIP) vs Popular Front and the Estonian Congress vs the Supreme Council, though quite strong on the institutional level of ideals and programs, did not concern the electors.

5) Though left and right policies did exist and were partly felt, they usually did not reach further the leaders of political parties, movements, electoral coalitions, etc.

6)The society was highly politicized, but the level of political consciousness was low. Under such conditions, the political leaders played a very significant role.

7) People distinguished persons and especially leaders but they had difficulties in making difference between programs, ideals and organisations. In other words electors were not able to distinguish the political groups on the left - right scale and to identify themselves on this scale.

9. Conclusions

All referendums tend to be as check point of democracy although they are limited by the machinations of elites, who can decide if and when to hold them, what will be asked, what will be said through media, how success will be defined and whether to abide with the results etc.

In the Baltic states referendums betowed legitimacy on independence movements by allowing them to counter claims that their desire for independence was extremist or a minority opinion.

In the best circumstances, elites took them seriously and tried to find a peaceful path to independence. In the worst circumstances, elites countered with force. In the USSR for example, the referendums in the Baltic states in february and march 1991 probably caused Gorbachev to rethink its strategy for the union treaty, but they also contributed to their reactionary coup attempt of august 1991. The failure of this coup then made it possible for the Baltic and other republics to leave the Soviet Union.

Referendums has been used in attempt to break political stalemate, resolving contentious issues at the stage of constitution building. The fact that only two referendums have been held so far in post -communist Estonia emphasises that the political system is based very much on representative rather than direct democracy. Although, admittedly the constitution sets limits to the usage of direct democracy and strongly emphasises the representative component, the political elite could nonetheless have tried to involve the Estonian people in the decision making process more intensively if they had wished to. Parties have not made any proposals concerning the nationwide or local referendums since 1992. One reason for this reluctance might be that vast majority parties have emphasized the role of parliament, perhaps, most parties perceived possibilities for more progressive politics within the framework of representative institution. Secondly, the parties itself are shifting in their program ends and are in the process of settling firm ideological basis of the institutions. Their political positions have not stabilized and consolidated yet. A third reason could be a fear that the referendums would undermine and reduce the significance of party politics. Fourth reason: politicians realize that a referendum arrangement is very expensive. So far there isn't any serious interest in referendums, probably, the political situation is too unstable yet- coalition governments are frequently shifting as well as political parties lack stable membership, merge and split frequently.

Thus, the political culture of post- communist state has concentrated on the representative component, consciously neglecting the instrument for direct democracy. First, it is also due to the fact that civil society is weak. People are only in the process of learning they have to stand for their interests. Second reason for this ignoring of direct democracy lies in the constitution which makes access to this instrument rather difficult.

As in many western democracies Estonia uses only occasional referendums. Referendum is used in ad hoc basis when parliamentary majority takes decision to have a referendum. Popular initiatives are not accepted in Estonian democracy today . (The last case was revealed in 1920 constitution which recognized peoples initiative with certain amount of subscriptions needed to convoke referendum.)

However , one might expect that the referendum part is going to increase. Estonia is the country which broke firmly with the communist past ,which is physically close to the European Union, which has civil traditions and histories of social selforganisation, and which has already undertaken the basic nation-building may well be able to establish civil society. Feeling of distance between routine political decision- making processes and the life of citizens have grown, distrust of parties and politicians increased. In this kind of atmosphere referendums and other forms of direct democracy are often seen as means whereby such feeling of alienation might be counteracted and diminished: citizens are given a chance to participate actively in decision-making. The other factor explaining an increased public interest in Estonia in the ideas of referendum is the country's close membership in EU. Most political parties agree that this fundamental question should be decided only on the basis of nationwide referendum.

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